

# How to Ask for a Divorce

## *For spouses/registered domestic partners who do not agree*

Use this packet ONLY if:

- You and your spouse or registered domestic partner do **not** agree on the terms of your divorce.

**Important!** If one of you is pregnant now, or a child was born after you separated, the other spouse/registered domestic partner is considered the *legal* parent. If you do not think the other spouse/registered domestic partner is the parent, in most cases you can ask the court to determine who the legal parents are (parentage) by filing a case to disestablish paternity **before** the child turns **4** years old. Parentage needs to be determined for any child born during the marriage **before** your case is finalized. If you are in this situation, talk to a lawyer.

### Talk to a lawyer, if you can

These instructions are legal *information*, not legal *advice*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.



**Note:** If you have minor children, this instruction will start your case, but it will not give you immediate custody of the child(ren). If you want to ask for a Temporary Parenting Plan, you will also need instruction packet F-4.

## Step 1: Fill out these forms

All of these forms in Step 1 can be downloaded at: [www.kingcounty.gov/courts/scforms.aspx](http://www.kingcounty.gov/courts/scforms.aspx)

Form Name	Form Number	Notes	Completed
<a href="#">Case Information Cover Sheet</a>			<input type="checkbox"/>
<a href="#">Confidential Information Form</a>	DRPSCU 09.0200		<input type="checkbox"/>
Vital Statistics form			<input type="checkbox"/>

## Step 2: Fill out these forms and attachments, then make copies

All of these forms in Step 2 can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

<a href="#">Summons</a>	DR 01.0200		<input type="checkbox"/>
<a href="#">Petition for Dissolution of Marriage</a>	DR 01.0100	DR 01.0105 for <a href="#">Registered Domestic Partnerships</a>	<input type="checkbox"/>
<a href="#">Notice Re Dependent of Person in Military Service</a>	DRPSCU 01.0185		<input type="checkbox"/>

**If you have children under the age of 18 born during your marriage, you will also need these forms**

<a href="#">Parenting Plan (Proposed)</a>	DR 01.0400		<input type="checkbox"/>
<a href="#">Declaration in Support of Parenting Plan</a>	DR 04.0120		<input type="checkbox"/>
<a href="#">Declaration Regarding Public Assistance</a>	DRPSCU 01.0600		<input type="checkbox"/>

### How many copies do I need?



- **Original** set to file with the Clerk's office.
- Copy **1** is for your records.
- Copy **2** is to serve the other party.
- Make a **3rd** copy if you have a child(ren) who has received public assistance at some point. You must deliver copies of your filed forms to the King County Prosecuting Attorney's Office, Family Support Section.

**Fill out these forms after the other party is served, make a copy and file them**

<a href="#">Return of Service</a>	DRPSCU 01.0250	Form is signed by the server. See step 4	<input type="checkbox"/>
<a href="#">Declaration Regarding Personal Service Outside the State of Washington</a>	DRPSCU 01.0180	Only use if the other party is personally served out-of-state	<input type="checkbox"/>

### Step 3: Take your original forms to the Clerk's Office and pay a fee

**The Clerk will ask you to pay a filing fee.** If you cannot afford to pay the fee, ask for an application to let you file for free. This application is called a *Motion and Declaration for Waiver of Civil Filing Fees and Surcharges* ([Kent](#) or [Seattle](#)).

When you file your forms, the clerk will give you two copies of your *Case Schedule*. You will need 1 copy to serve on the other party. Keep 1 copy for your records.

### Step 4: Have the other party served

**You must have the other party served with copies of:**

- The Case Schedule that the Clerk gave you when you filed, **and**
- All of the forms you filed with the clerk, except the *Case Information Cover Sheet and the Confidential Information Form*.

#### **How to serve**

Someone over 18 – **not you** – must serve (give) the other party copies of your court papers. After serving, the server fills out a *Return of Service* form and gives it to you. Keep a copy for your own records and file the original with the Clerk's Office.

If you have questions about serving, read the Facilitator's instruction packet S-1.

### Step 5: You and your spouse/registered domestic partner must go to a family law class

You **must** both go to a class, called *Family Law Orientation*. This class will explain how the courts handle family law cases. And it will tell you where you can find information and help. The deadline to complete this class is listed on your *Case Schedule*.

Go to [Family Court Services](#) to find out the cost and how to sign up.

#### **If you have children under 18, you must both go to a parenting class**

Both parents **must** go to a parenting class called *What About the Children*. You must complete the class by the deadline listed on your *Case Schedule*.

Go to [Family Court Services](#) to find out the cost and how to sign up.

## Step 6: Follow your Case Schedule

The next step is to wait to see if the other party files a Response.

You must wait:

<b>20 days</b>	If the other party was served in person in Washington state.
<b>60 days</b>	If the other party was served in person outside of Washington state, or by publication (because of a court order).
<b>90 days</b>	If the other party was served by mail because of a court order.

If the other party **DOES** serve and file a Response, follow your Case Schedule. Your trial will be in about 11 months. If you want to ask for **temporary** orders now, ask the Family Law Facilitators for instruction packet **F-4, Motion for Temporary Orders**. Continue to follow your case schedule and go to Step 7.

If the other party **DOES NOT** serve and file a Response by the deadline you can finish your divorce in the Ex Parte Department. Ask the Family Law Facilitator how to finish by default or agreement. Stop here. Do not continue to Step 7.

## Step 7: Finishing your Case at Trial

If you and the other party cannot come to an agreement about your divorce you will have a trial before a Judge.

- If your case **does not involve children**: you must fill out and file the *Joint Confirmation of Readiness* form (the due date is listed on your case schedule) and file it with the court. Ask the Family Law Facilitators for information on preparing for trial. Also, you will need some of the forms listed below which can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/).
- If your case **does involve children**: about 4 to 6 weeks before your trial you will get an order in the mail telling you to come to court for a *Pre-Trial Conference*. At that hearing, the Judge will give you an Order. The Order will tell you what forms you need to finish your case and when they are due. Ask the Family Law Facilitators for information on preparing for trial. Also, get the forms listed below which can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/).

### You will need these forms

<a href="#">Findings of Fact/Conclusions of Law (Marriage)</a>	DR 04.0300	Use DR 04.0305 for Registered Domestic Partnership	<input type="checkbox"/>
<a href="#">Decree of Dissolution (Marriage)</a>	DR 04.0400	Use DR 04.0405 for Registered Domestic Partnership	<input type="checkbox"/>

## If you have children under the age of 18 you will also need

Parenting Plan (Final)	DR 01.0400		<input type="checkbox"/>
Child Support Order	DR 01.0500		<input type="checkbox"/>
Child Support Worksheets	WSCSS-Worksheets	Use <a href="#">WSCSS-Worksheets RDP for Registered Domestic Partnership</a>	<input type="checkbox"/>
Child Support Schedule & Instructions	This is information to use to calculate Child Support Worksheets. Online Child Support Calculation software is available at <a href="https://fortress.wa.gov/dshs/csips/ssgen/">https://fortress.wa.gov/dshs/csips/ssgen/</a>		

## You may also need these forms

Financial Declaration	DRPSCU 01.1550		<input type="checkbox"/>
Sealed Financial Source Documents Cover Sheet	DRPSCU 09.0220		<input type="checkbox"/>
<p>If your case involves financial matters you may have to provide copies of financial documents, including:</p> <ul style="list-style-type: none"> <li>■ Your W-2s and complete personal tax returns for the past 2 years</li> <li>■ Your most recent pay stubs (at least 6 months)</li> <li>■ Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more</li> <li>■ Statements from all of your banks and financial institutions for the past 6 months</li> </ul> <p><i>Note:</i> The other party can ask you for a copy of your check register. If this happens, you will have 14 days to provide it.</p>			
Restraining Order	DR 04.0500		<input type="checkbox"/>
Law Enforcement Information Sheet	WPF All Cases 01.0400		<input type="checkbox"/>



**Remember!** The Judge may request additional forms. The Family Law Facilitators have information on how to prepare for trial. So please ask for it.